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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 ALEXANDER J. CASTALDI,

4 Plaintiff,

5 v.

14 Civ. 5435 (JSR)

6 RICER AVENUE CONTRACTING,

7 Defendant.

8 -----x

New York, N.Y.
June 22, 2015
9:30 a.m.

10 Before:

11 HON. JED S. RAKOFF,

12 District Judge

13 APPEARANCES

14 KENNEDY, JENNIK & MURRAY
15 Attorneys for Plaintiff
16 BY: THOMAS KENNEDY
SUSAN JENNIK

17 TRIVELLA & FORTE
18 Attorneys for Defendant
19 BY: SCOTT TRIVELLA
JONATHAN BARDAVID
20 CHRISTOPHER SMITH
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(Case called)

MR. KENNEDY: For the plaintiffs, your Honor, Tom Kennedy and Sue Jennik from the firm of Kennedy Jennik & Murray

THE COURT: Good morning.

MR. KENNEDY: Good morning.

MR. BARDAVID: For the defendants, Jonathan BarDavid, Christopher Smith, and Scott Trivella of Trivella & Forte.

THE COURT: Good morning. I am so sorry to have been so late.

I have received your memorandum of settlement agreement. It looks in order. I will have that filed under seal and give it right now to my courtroom deputy to file under seal. I will enter an order dismissing the case with prejudice.

Is there anything else we need to take up today?

MR. KENNEDY: Your Honor, the parties have reached a prior settlement in the Moore case, which was the original case between the union funds and River that included a so ordered aspect in your Honor's continuing jurisdiction over the implementation and enforcement of the settlement. Your Honor was kind enough to do that.

It was our expectation, I think by both sides, that we would present the formalized settlement, which would incorporate the terms of the memorandum of settlement agreement to you, again, if you would be willing, to serve as a source of

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1 authority to enforce the agreement, if necessary.

2 THE COURT: When do you plan to do that?

3 MR. KENNEDY: Before the end of the week certainly,
4 your Honor. There are people drafting the papers in my office
5 today. There are some mortgages that have to be done, and we
6 have to do due diligence with respect to the Vermont property,
7 not previously the subject of discussion between the parties.
8 There is a few days involved. I think on Friday we will have
9 it done.

10 THE COURT: What I will do is enter an order
11 dismissing the case with prejudice, but with leave to either
12 side to move for reopening if the final settlement agreement
13 satisfactory to the court is not received within 30 days. That
14 will give you more than ample time.

15 MR. KENNEDY: That's fine.

16 Plaintiffs, I believe, are finishing the long drama
17 between several sets of plaintiffs, and we want to express our
18 appreciation for your Honor's courtesies and your availability
19 with respect to the disputes that needed to be resolved, helped
20 manage this process in an effective way, and we appreciate it.

21 THE COURT: Is that a promise you guys won't be back?

22 MR. BARDAVID: I would like that on the record.

23 THE COURT: I will hold you to it.

24 MR. BARDAVID: Is that in the record?

25 THE COURT: Very good. Anything else?

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1 MR. KENNEDY: No, your Honor.

2 MR. BARDAVID: No.

3 THE COURT: Very good. Thank you.

4 (Adjourned)

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